

OCT 31 2005

JOHN F. CORCORAN, CLERK
BY: *H. McDonald*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA
Plaintiff

v.

Civil Action No. 4:04CV00018

1999 GMC YUKON,
VIN 1GKEK13R2XR910470
2002 GMC ENVOY,
VIN 1GKDT13S122264075
2003 CADILLAC ESCALADE,
VIN 3GYFK66N03G206973
Defendants

ORDER OF FORFEITURE

THIS DAY CAME the United States of America, by counsel, and moved the Court for an order of forfeiture based upon the Stipulation for Compromise Settlement filed herein. In consideration thereof, it appearing to the Court that the Stipulation for Compromise Settlement executed by the parties is fair, reasonable and adequate; and that no one other than Claimant Shirland Fitzgerald has appeared herein to claim the defendant vehicles; and the time for filing a claim and answer having expired, **IT IS HEREBY ORDERED** that:

1. Claimant Fitzgerald shall forfeit the sum of \$25,000.00 to the United States in lieu of the defendant vehicles pursuant to the provisions of 19 U.S.C. § 1613(c), which states in pertinent part, "retention of a monetary amount in lieu of the forfeiture, shall be treated in the same manner as the proceeds of sale of a forfeited item." The \$25,000.00 settlement sum is hereby forfeited to the United States and no right, title, or interest in the \$25,000.00 shall exist in Claimant Fitzgerald, nor any other person or entity.

2. Any and all expenses incurred by the United States in the seizure and storage of the defendant vehicles shall be taxed against the \$25,000.00 settlement sum and the balance of the settlement sum shall otherwise be disposed of according to law.

3. The United States Marshals Service shall immediately facilitate release of the defendant vehicles to the custody of Claimant Fitzgerald, and/or his designee, at the place of storage. If, by the omission of Claimant Fitzgerald, the defendant vehicles are not retrieved within five business days of entry of this Order, Claimant will be responsible for any additional expenditures related to storage of the defendant vehicles.

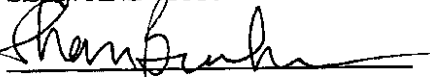
4. There remaining nothing further to be done this action is concluded and shall be stricken from the docket of the Clerk of Court and each party shall bear its own costs.

5. The Clerk of this Court shall certify copies of this Order to Shirland Fitzgerald, c/o Fitzgerald's Auto Sales, 1080 Riverside Drive, Danville, VA 24541, and shall **certify three** copies to the United States Attorney's Office, Asset Forfeiture Section, P.O. Box 1709, Roanoke, Virginia 24008.

ENTERED THIS 31st OF October, 2005.


UNITED STATES DISTRICT JUDGE

SEEN AND AGREED:


Sharon Burham
Assistant U.S. Attorney


Claimant Shirland Fitzgerald